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c 40 Consumer Reporting Amendment Act, 1988

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CHAPTER 40

An Act to amend the Consumer Reporting Act

Assented to June 29th, 1988

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 (2) of the *Consumer Reporting Act*, being chapter 89 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) No person shall request or obtain a consumer report,

Notice of
intention to
get consumer
report

(a) containing personal information about a consumer;
or

(b) on the basis that the person is considering extending credit to a consumer who has not, at the time of the request, made application for credit,

unless that person first gives written notice of the fact to the consumer and, where the consumer so requests, informs the consumer of the name and address of the consumer reporting agency supplying the report.

2. The said Act is amended by adding thereto the following section:

10a.—(1) No person shall,

Supplying list
of names

(a) supply a list of names and criteria to a consumer reporting agency in order to obtain an indication of the names of the persons named in the list who meet the criteria; or

(b) in any way other than as described in clause (a), obtain information about a consumer from a consumer reporting agency,

without first notifying in writing each person named on the list or about whom information is being obtained that such a list is being submitted or that information is being requested and,

where any person affected so requests, informing that person of the name and address of the agency involved.

Exception
where
compliance
with
subs. 10 (3)

(2) Clause (1) (b) does not apply to a person obtaining information about a consumer under subsection 10 (3) where the person has complied with subsection 10 (3).

Restriction
on consumer
reporting
agency

(3) No consumer reporting agency shall provide information about any person entitled to be notified under subsection (1) or subsection 10 (2) unless the agency has reasonable grounds to believe that the person requesting the information is not in contravention of subsection (1) or 10 (2), as the case may be.

Supplying list
of criteria

(4) No consumer reporting agency that receives,

(a) a list of criteria and a request to provide the names of persons who meet the criteria; or

(b) a request for names of persons so that information may be inferred about those persons,

shall provide the name of any person without first notifying that person in writing of the request and the name and address of the person making the request.

Non-
application

(5) This section does not apply where information is requested or provided for the purposes referred to in clause 8 (1) (a), (b) or (c) or in the circumstances set out in subsection 8 (3).

3. Subsection 11 (1) of the said Act is amended by adding thereto the following clause:

(ba) the name and address of every person on whose behalf the file has been accessed.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Consumer Reporting Amendment Act, 1988*.